encoding PDGF chains into a somatic cell, then the somatic cell or nucleus of the somatic cell is introduced into an oocyte.

However, this is simply not the case. Claims 1-7 are directed to methods of producing platelet derived growth factor in the milk of a transgenic mammal. The method includes providing a transgenic mammal whose somatic and germ cells include a nucleic acid encoding PDGF operably linked to a promoter which directs expression into mammary epithelial cells. The method also includes obtaining milk from the mammal, where at least 30% of the PDGF in the milk is as a dimer. Claims 8 and 11 recite various art known methods to obtain such transgenic mammals which produce PDGF in its milk where at least 30% of the PDGF is as a dimer. Specifically, the claims recite introducing into a cell a nucleic acid encoding PDGF under the control of a promoter which directs expression in the mammary epithelial cells. The methods of claims 9 and 10 ,as well as claims 12 and 13, further provide specific art known methods of producing transgenic mammals, namely microinjection type techniques and nuclear transfer techniques. Thus, the methods include the same steps as recited above, i.e., introducing a nucleic acid encoding PDGF into a cell to produce the transgenic mammals capable providing PDGF in its milk where at least 30% of the PDGF in the milk is as a dimer. The only difference between, for example, claim 9 and claim 10 is that claim 9 recites that the cell is an oocyte, namely microinjection type techniques, whereas claim 10 recites that the cell is a somatic cell, and then the somatic cell or its nucleus is introduced into an oocyte, namely nuclear transfer techniques. These are techniques were known at the time of filing and do not lead to the claims being patentably distinct from each other.

Applicants therefore assert that the claims of Group I and Group II are clearly not directed to "separate" and "distinct" inventions, and therefore should not be subjected to a restriction requirement. Accordingly, Applicants believe the restriction requirement under 35 U.S.C. §121 to be improper.

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Respectfully submitted,

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